

Cause No. PD-0787-18

DEMOND FRANKLIN

§

COURT OF

FILED

COURT OF CRIMINAL APPEALS

7/24/2019

DEANA WILLIAMSON, CLERK

VS.

§

CRIMINAL APPEALS

§

STATE OF TEXAS

§

OF TEXAS

MOTION TO AMEND APPELLANT'S
MOTION FOR REHEARING FILED JULY 18, 2019

TO THE HONORABLE COURT OF APPEALS:

COMES NOW, appellant, DEMOND FRANKLIN, who by and through his appellate counsel of record, Mr. Dean A. Diachin, and pursuant to TEX. R. APP. P. 79.3, does hereby respectfully move this Honorable Court for leave to amend appellant's motion for rehearing, filed July 18, 2019, and in support thereof would show the Court the following:

I. Procedural History.

Appellant was found guilty of capital murder on December 12, 2017. The trial court automatically sentenced appellant to life without parole that same date. This Court—in a published opinion—affirmed appellant's conviction on July 3, 2019. Appellant timely filed a motion for rehearing on July 18, 2019. Appellant filed a motion to amend his initial motion for rehearing on both: (1) July 21, 2019; and (2) July 24, 2019. The second such filing was due to a voluntary return on July 23, 2019.

II. Reason for Amendment.

Minor errors in typography, word choice, & example citation persisted in appellant's motion for rehearing even after that document was filed. None of appellant's recent edits and/or corrections significantly changes the structure or content of appellant's initial motion for rehearing. However, out of an abundance of caution, appellate counsel simply wishes to present the most reader-friendly work product possible. *See* TEX. R.APP. P 79.3 (West 2017) (stating, "[a] motion for rehearing may be amended anytime before the period allowed for filing the motion expires, and with leave of the court, anytime before the Court decides the motion").

III. Prayer

WEREFORE, PREMISES CONSIDRERED, appellant respectfully requests this Honorable Court grants appellant's Motion to Amend Appellant's Motion for Rehearing, and accepts his amended motion in lieu of the one counsel filed on July 18, 2019.

Respectfully submitted,

MICHAEL L. YOUNG
Chief Public Defender

BY:

Dean A. Diachin

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LEAD COUNSEL FOR APPELLANT.

CERTIFICATE OF DELIVERY

I hereby certify that a true and correct copy of the foregoing Motion for Rehearing has been delivered by “e-service” to Jay Brandon; Bexar County District Attorney’s Office & the State Prosecuting Attorney, Austin, TX on this 21st day of July 2019.

Dean A. Diachin

DEAN A. DIACHIN

Bexar County Assistant Public Defender.